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6 Attorney for Defendants, Jose Eduardo Pavon and Jennifer Anne Von Bima

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

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11 Heritage Pacific Financial LLC, ) Case No.SACV09-01466AG (RNBx)  
12 DBA Heritage Pacific Financial, )  
12 A Texas Limited Liability Company, ) ANSWER TO COMPLAINT  
13 Plaintiff, )  
13 vs. )  
14 )  
15 James Hague, Charlene Chao; Jeffrey )  
15 Tomazin, Priscilla Tomazin; Maria Soila )  
16 Carbajal, Ephraim Kiama, Evic Liwe, James )  
17 Taylor, Remus Eppie, Patrick Ogden, Silvia )  
17 Elizabeth Salmeron, Veronica Conklin, Emilia )  
18 Villarreal, Moradali Amirinegar, Martha )  
18 Rocha, Mina Shahab, Myra Popp Figueira, )  
19 Victor Bonilla, Leticia Valenzuela, Antonia )  
19 Pedraza, Bonnie Rhea Scott, Alberto Pasillas, )  
20 Jorge Velasco, Jennie Arismendez, Paul )  
21 Radwich, Mary Pearson, Ronald Calvero, Jose )  
21 Eduardo Pavon, Jennifer Anne Von Bima, )  
22 Fred Ortiz, Jorge Mora, Sonia Navarro, )  
22 Monique Heredia, Otila Murrietta, Gelenie )  
23 Quiocco Amigable, Amanda Espinello, )  
23 Claudia Tovar, Sergio Tovar, Bertha Cortes, )  
24 Miguel Cortes Ferral, Jorge Siguenza, Blanca )  
25 Rodas, Sean Wolfswinkel, Alfredo Jimenez, )  
26 Eloisa Peneda, Levis Rodrigues, Monica )  
26 Anguiano, Salomon Solis, Monique Huereque, )  
27 Lourdes Velazques, )  
28 Defendants

1  
2 COMES NOW, DEFENDANTS, Jose Eduardo Pavon and Jennifer Anne Von Bima answering  
3 the complaint as follows:  
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- 5 1. In response to paragraphs 1, 2, and 3 a-z, aa, cc-vv of the complaint, Defendants lack  
6 sufficient information to respond to these allegations and on that basis deny each and  
7 every, generally and specifically, the allegations contained in the complaint.
- 8 2. Defendants deny each and every, generally and specifically, the allegations contained in  
9 paragraphs 4,6, and 7 of the complaint.
- 10 3. In response to paragraph 5 of the complaint, Defendants lack sufficient information to  
11 respond to this allegation and on that basis denies each and every, generally and  
12 specifically, the allegation contained in the complaint.
- 13 4. Defendants deny each and every, generally and specifically, the allegations contained in  
14 paragraphs 8,9,10,11, and 12 a-c, of the complaint.
- 15 5. Defendants deny each and every, generally and specifically, the allegations contained in  
16 paragraphs 13,14,16,17,18, and 19 of the complaint.
- 17 6. In response to paragraphs 20,21,22,23,24,25,26,27,28,29,30,  
18 31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,49,50,51,5253,54,55,56,57,58,59,60,61,  
19 62,63,64 and 65 of the complaint, Defendants lack sufficient information to respond to this  
20 allegation and on that basis denies each and every, generally and specifically, the allegation  
21 contained in the complaint
- 22 7. Defendants deny each and every, generally and specifically,  
23 the allegations contained in paragraph 48 of the complaint.
- 24 8. In response to paragraphs 66,67,68,69, 70-a,b, and 71, Defendants lack sufficient  
25 information to respond to this allegation and on that basis denies each and every, generally  
26 and specifically, the allegation contained in the complaint
- 27 9. In response to paragraphs 72,73,74,75,76,77,78,79,80, and 81, as alleged against  
28 Defendants, Defendants deny each and every, generally and specifically, the allegations  
contained in these paragraphs in the complaint. In addition, Defendants lack sufficient

1 information to respond on behalf of all co-defendants, and on that basis deny each and every,  
2 generally and specifically, the allegations contained in these paragraphs of the complaint.

3 10. Defendants deny each and every, generally and specifically, the allegations contained in  
4 paragraph 82,83,84,85,86,87,88 of the complaint. In response to these paragraphs of the  
5 subject action, Defendants lack sufficient information to respond on behalf of all other  
6 Defendants named in this action, and on that basis denies each and every, generally and  
7 specifically, the allegations contained in the complaint.

8  
9 11. Defendants deny each and every, generally and specifically, the allegations contained in  
10 paragraph 89,90,91,92,93,94, and 95, of the complaint. In response to these paragraphs of the  
11 subject action, These answering Defendants lack sufficient information to respond on behalf  
12 of all other Defendants named in this action, and on that basis denies each and every,  
13 generally and specifically, the allegations contained in the complaint.

14 12. In response to paragraphs 96 a-aa, and 96 cc-cc, Defendants lack sufficient information to  
15 respond to the allegations and on that basis deny each and every, generally and specifically,  
16 the allegations contained in the complaint.

17 13. Defendants deny each and every, generally and specifically, the allegations contained in  
18 paragraph 96(bb), of the complaint.

19 AFFIRMATIVE DEFENSES

20  
21 FIRST AFFIRMATIVE DEFENSE

22 14. Plaintiff has improperly joined multiple Defendants in this action, where no common  
23 questions of fact exist between Defendants, and the action does not arise out of the same  
24 transaction or occurrence in violation of Rule 20 of the Federal Rules of Civil Procedure.

25 SECOND AFFIRMATIVE DEFENSE

26 15. These answering Defendants allege that Plaintiff failed to allege facts sufficient to constitute  
27 a cause of action upon which relief can be granted against the Defendants.

28 THIRD AFFIRMATIVE DEFENSE

16. Any damages suffered by the Plaintiff were caused by its own actions and negligence.

#### **FOURTH AFFIRMATIVE DEFENSE**

17. As a separate and affirmative defense, these answering Defendants are informed and believe and on that basis allege that Plaintiff, and/or its agents, and/or parties not yet identified, spoiled evidence and as a result, Defendants have been deprived of access to said evidence and the ability to defend herself by Plaintiff's conduct.

## FIFTH AFFIRMATIVE DEFENSE

18. Plaintiff consented expressly or impliedly to the acts alleged in the complaint and on that basis is barred from recovery.

**SIXTH AFFIRMATIVE DEFENSE**

19. These answering Defendants allege that Plaintiff's recovery is barred by the statute of limitations.

## **SEVENTH AFFIRMATIVE DEFENSE**

20. As a separate and affirmative defense, Defendants allege that Plaintiff failed to act in a reasonable time to mitigate its alleged damages sustained.

## EIGHTH AFFIRMATIVE DEFENSE

21. As a separate and affirmative defense, this answering Defendants allege that Plaintiff's causes of actions are barred by the doctrine of unclean hands.

## NINTH AFFIRMATIVE DEFENSE

22. These answering Defendants allege that Plaintiff's causes of action are barred by the doctrine of laches.

**TENTH AFFIRMATIVE DEFENSE**

23. As a separate and affirmative defense, these answering Defendants allege that any damages suffered by Plaintiff was caused by the negligence, or intentional conduct of other persons or entities for whom these Defendants are not responsible.

WHEREFORE, Defendant prays as follows:

**As to all Causes of Action:**

1. That Plaintiff take nothing by way of its complaint;

2. For costs of suit, including reasonable attorney's fees;
3. For such other and further relief as the court deems proper.

Dated: May 21, 2010

Law Offices of Marilyn S. Yee

By Marilyn S. Yee  
Marilyn S. Yee

Marilyn S. Yee

Attorney for Defendants, Jose Eduardo Pavon  
And Jennifer Von Bima

**PROOF OF MAILING**

I am a citizen of the United States and a resident of the county; I am over the age of 18 years of age, and not a party to the within entitled action; my business address is 29910 Murrieta Hot Springs Road, Suite G-533, Murrieta, California, 92563.

On May 21, 2010, I mailed Answer, Counterclaim, and Third Party Complaint with the postage prepaid in the United States Mail at Murrieta, California, addressed as follows:

Brad A. Mokri  
Mokri & Associates  
1851 E. 1<sup>st</sup> Street, #900  
Santa Ana, California 92705

Blanca Rodas  
3233 Beaumont Avenue  
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Martin Dack  
Dack Marasigan LLP  
23041 Avenida de la Carlota  
Suite 300  
Laguna Hills, Ca. 92653

Sonia Navarro  
5206 Benito, Suite 202  
Montclair, Ca. 91763

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed May 21, 2010 at Murrieta, California.

Marilyn S. Yee  
Marilyn S. Yee